

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

MAR 25 2008

JOHN F. CORCORAN, CLERK
BY: M. J. H. P.
DEPUTY CLERK

United States of America)

v.)

James Felton)

Case No: 4:93CR70088-001USM No: 34814-054Date of Previous Judgment: August 23, 1994

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 270 months is reduced to 228*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 36Amended Offense Level: 34Criminal History Category: IICriminal History Category: IIPrevious Guideline Range: 210 to 262 monthsAmended Guideline Range: 168 to 210 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain):

III. ADDITIONAL COMMENTS

* Defendant's total term of imprisonment of 228 months consists of 168 months as to counts 1, 2, 4, 6, 7, 9 and 10; and 60 months as to count 3; the first group of counts to be served concurrently, and 60 months as to count 3 to be served consecutively.

Except as provided above, all provisions of the judgment dated Aug. 23, 1994 shall remain in effect.

IT IS SO ORDERED.

Order Date: 3-25-08

Jackson L. Kiser
Judge's signature

Effective Date: March 3, 2008 4-7-08
(if different from order date)

Senior United States District Judge Jackson L. Kiser
Printed name and title